

REMARKS

The last Office Action has been carefully considered.

It is noted that the Abstract of the Disclosure and the disclosure are objected to and the claims are rejected under 35 USC 112.

In connection with the Examiner's objections and rejections, applicant amended the disclosure to provide required headings and to make reference to the German priority application. Also a new Abstract of the Disclosure has been submitted.

After carefully considering the Examiner's grounds for objection of the claims under 35 USC 112, applicant cancelled the original claims and submitted a new set of Claims 10-25, including Claims 10 and 18, the broadest independent claims, and Claims 11-17 and 19-25 depending thereon.

It is respectfully submitted that the claims currently on file have been drafted in compliance with the Examiner's requirements.

Claims 10 and 18 have been drafted in accordance with the corresponding parts of the description, in particular in last paragraph on page 4, in first paragraph on page 5, in third paragraph on page 5, in third paragraph on page 7, in third paragraph on page 8, in last paragraph on page 8, and in last paragraph on page 9.

In the Office Action the Examiner indicated that the term “test” was unclear as to its meaning on line 7 of original Claim 1. This term is a part of “tests on cut pieces,” which is a translation of the original German term “Zerlegeversuche.” The correct translation of the German term is “dissection trials,” and therefore this term has been used now in the claims.

The German term “Teilstücke” was translated as “cut into pieces.” This term has been changed to the term “cuts.”

In original Claims 1 and 2 the German expression “Im laufenden Schlachtbetrieb” was translated as “active slaughtering operation.” In the current claims, the term “ongoing” has been added.

The above-mentioned changes in the claims do not raise the issue of new matter, since this application is based on the PCT application

and it is therefore it should be acceptable to make corresponding corrections of the translations of the terms.

The Examiner indicated that he had problems understanding how the method is performed. In connection with this, the following explanation is provided, in addition to the language of the claims.

The method includes the following steps:

- Performing of dissection trials from a sufficient number of pig carcasses:
 - At first determining the weight of the carcass after killing and cooling;
 - Creating a digital image from the split side in the ham and loin region with all details;
 - Subjecting the image to image analysis;
 - Measuring of brightness and/or color;
 - Detecting contours of meat, fat and bones;
 - Determining of lengths, distances and areas;
 - Cutting the carcass into the individual parts;
 - Determining the weight of these parts;
 - Storing the results of the measurements allocated with the weights of the carcass and the individual parts;
 - Calculating of relational data from the allocated data;

- Slaughtering a pig in the slaughterhouse
 - At first determining the weight of the carcass after killing and cooling;
 - Creating a digital image from the split side in the ham and loin region with all details;
 - Subjecting the image to image analysis;
 - Measuring of brightness and/or color;
 - Detecting contours of meat, fat and bones;
 - Determining lengths, distances and areas;
 - Using the relational data from the dissection trials to correlate them together with the actual characteristic parameters and values of the slaughtered pig and calculating (estimate by calculating) the yields and weights of parts of the pig, like cutlets, ham and so on.

In Claim 10 the calculation of the yields of individual pieces includes the use of the total weight and in Claim 18 the total weight is not taken into consideration.

In view of the above-presented remarks and amendments it is respectfully requested to allow the present application with all the claims currently on file.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Striker', with a long horizontal flourish extending to the right.

Michael J. Striker
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